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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 52/123 of 9 December 1998, in which the Assembly called upon Governments of the countries of the Commonwealth of Independent States (CIS), in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE) to strengthen their efforts and mutual cooperation relating to the follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States (CIS Conference), held at Geneva on 30 and 31 May 1996, and welcomed the positive results achieved by them in implementing the Conference Programme of Action. The Assembly requested that I report to it at its fifty-fourth session on the progress achieved in implementation of the Programme of Action.

2. In the same resolution, the General Assembly invited UNHCR and IOM to enhance their mutual relationship with other key international actors, such as the Council of Europe, the European Commission and human rights, development and financial institutions, in order to better address the wide-ranging and complex issues in the Programme of Action. The Assembly also encouraged the involvement of intergovernmental and non-governmental organizations in the follow-up to the CIS Conference, and invited them to demonstrate stronger support for the process of constructive international dialogue among a wide range of countries concerned as well as further action with a view to full implementation of the recommendations of the Conference. Finally, the Assembly called upon the Governments of the CIS countries to continue to strengthen their commitment to the principles underpinning the Programme of Action, in particular human rights and refugee protection principles,

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and to lend high-level political support to ensure progress in its implementation.

II. Implementation of the Programme of Action

3. Follow-up mechanisms established within UNHCR and IOM, working in cooperation with concerned States, intergovernmental organizations and non-governmental organizations, continued to ensure the implementation of the Programme of Action. Perhaps the major achievement of the CIS Conference process is the establishment of an international forum to exchange information and pursue a constructive dialogue on a broader humanitarian and migration agenda. It has served to galvanize international attention on issues relating to refugees, forced migration and other migratory movements in the region.

4. As requested by the General Assembly, the third year of implementation of the Programme of Action was characterized by strengthened strategic cooperation and partnership among a group of States, intergovernmental and non-governmental organizations, aimed at better addressing the wide-ranging and complex issues contained in the Programme of Action. A particularly welcome development was the growing involvement of non-governmental organizations in the CIS Conference follow-up process. As the follow-up nears its completion in 2000, stakeholders have also begun to focus on the future of CIS Conference follow-up efforts, since many recognize that the momentum generated by the Conference process must be sustained and further consolidated beyond that time. Enhanced partnerships among UNHCR, IOM, OSCE and its institutions — such as the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities — the Council of Europe and, in some instances, the United Nations Development Programme (UNDP) in support of the efforts of concerned States contributed to significant progress in a broad range of areas. A number of activities and initiatives intended to further the implementation of the Programme of Action are highlighted below.

5. States in the region demonstrated their growing recognition that refugee problems need to be addressed through the creation of effective legislative and institutional frameworks that are consistent with international standards. During the period under review, Georgia and Kazakhstan acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Most of the countries participating in the CIS Conference process have adopted refugee legislation (Armenia, Belarus, Georgia, the Russian Federation and Ukraine), are in the process of revising earlier legislation (Azerbaijan, Belarus and Ukraine) or are drafting new legislation (Kazakhstan, Kyrgyzstan and the Republic of Moldova).

6. Capacity-building and training activities intensified to assist States in the region to strengthen the implementation of the Programme of Action. These have been aimed at ensuring the establishment of sustainable asylum systems and refugee status determination procedures. The latter have now been established at the central and regional levels in Belarus, the Russian Federation and Ukraine. To furnish needed information to officials involved in the determination of refugee status at the national level, country of origin seminars were conducted. Non-governmental organizations and lawyers were especially targeted for training. Judges were also targeted to improve the efficiency of appeals procedures.

7. With the specific support of IOM, national migration management systems have been firmly established in eight countries in the region. The programmes have resulted in improvements to national policies, drafting and enactment of refugee and migration legislation that approximates international standards and improved institutional approaches to managing migration. The progressive narrowing of existing gaps between operational measures and corresponding enabling legislation and institutional frameworks is also being addressed through pilot border-management programmes that target the operational strengthening of immigration control as a practical means of bridging these gaps. These initiatives are being further extended to include cross-border projects that expand cooperation between neighbouring States to improve the effectiveness and efficiency of migration management processes.

8. The Office of the United Nations High Commissioner for Human Rights also undertook a number of activities relating to the protection of the human rights of displaced persons, as well as strengthening national institutions and civil society for the promotion and protection of human rights. The Office maintains a field presence in Abkhazia, Georgia, the mandate of which includes contributing to the safe and dignified return of refugees and internally displaced persons. Established at the request of the Security Council and jointly staffed by the Office and OSCE, the United Nations Human Rights Office in Abkhazia, Georgia, aims to strengthen capacities and infrastructures to promote human rights and democracy under the rule of law in the framework of a technical cooperation project covering all of Georgia, which commenced in 1998. The project's

objectives are to provide access to United Nations human rights information and capacity development in human rights for authorities and institutions of higher learning; to develop the legal community's capacity to teach human rights in the administration of justice; and to develop human rights capacity among non-governmental organizations and the mass media with the aim of strengthening civil society. These objectives are to be accomplished primarily through the training of trainers. Teaching materials are being developed, refined and tested locally, and are being published in sufficient quantities for future long-term use. In addition, the Human Rights Office monitors human rights in order to contribute to respect for the rule of law and to promote and protect human rights in Abkhazia, Georgia. Monitoring includes analysis of the development of the legal system as well as key institutions for the promotion and protection of human rights.

9. The representative of the Secretary-General on internally displaced persons has also been active in CIS, particularly in the Caucasus region. Pursuant to a recommendation contained in his report on the situation of internal displacement in Azerbaijan (E/CN.4/1999/79/Add.1) submitted to the Commission on Human Rights at its fifty-fifth session after a mission to that country, a meeting was held in May 1999 with Government officials and representatives of the humanitarian, development and diplomatic communities with the aim of devising a common strategy to meet the immediate, medium- and long-term needs of the internally displaced. The representative has also been informed by the Government of other efforts being undertaken to implement his recommendations for improving the situation of the internally displaced. He has been invited by the Government of Georgia to undertake a mission to that country in the autumn of 1999. In connection with the mission to Azerbaijan and the upcoming mission to Georgia, the Guiding Principles on Internal Displacement (see E/CN.4/1998/53/Add.2) have been translated, with the support of UNHCR, into the local languages and widely disseminated in both countries. The International Conference on Conflict and Forced Displacement in the Caucasus (Copenhagen, September 1998) noted, in a concluding statement by the chair, that the dissemination and application of the Guiding Principles in the Caucasus would contribute to ensuring that the plight of internally displaced persons was addressed in a comprehensive manner.

10. States in the region showed a greater readiness to tackle problems relating to citizenship and statelessness, although only two States in the region have ratified the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Closer inter-State cooperation on this issue, combined with the revision of citizenship legislation in some countries, aligning it with international standards, were indicative of this trend. For example, the Ukrainian and Uzbek Governments reached an agreement on simplified citizenship procedures. As a result, all 25,190 *de jure* stateless persons among formerly deported peoples in Crimea have been able to acquire citizenship in Ukraine. This is an area where strong cooperation between UNHCR, the Council of Europe and the relevant OSCE institutions (the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities) has begun to bear fruit, although more effort will be needed to bring national legislation and practice in line with the Convention on the Reduction of Statelessness and the Council of Europe Convention on Nationality. The Council of Europe has recently finalized a draft recommendation on the avoidance and reduction of statelessness, which is expected to be adopted by the Committee of Ministers.

11. Important headway was achieved in addressing the situation of formerly deported peoples, a group specifically identified in the CIS Conference process as requiring a durable settlement solution. As noted earlier, cooperation in this area between the High Commissioner on National Minorities, OSCE and UNHCR contributed to resolving the legal and administrative problems faced by Crimean Tatars. At the request of the Government of Ukraine, the United Nations Crimea Integration and Development Programme was set up to provide assistance and to facilitate the process of resettling formerly deported peoples in Crimea. Its main objective is to promote the maintenance of peace and security in the Crimean peninsula by facilitating the socio-economic development, reintegration and self-reliance of communities with large numbers of formerly deported peoples. During phase II of the programme (October 1998 to September 2000), special emphasis is being placed on capacity-building, in particular on helping to create the mechanisms by which community members can participate in the planning, design and implementation of development plans in their respective communities. The economic component has also been given priority as a means of sustaining social and communal activities.

12. Since my last report, efforts have redoubled to resolve the serious problems faced by another group of formerly deported peoples — Meshketians/Meshketian Turks. The High Commissioner on National Minorities, in close cooperation with UNHCR and the Open Society Institute's Forced Migration Project, organized an international meeting in The Hague in September 1998 to begin shaping a comprehensive, solution-oriented approach with the

involvement of all concerned actors. A second international consultation was held in Vienna in March 1999. The international meetings in The Hague and Vienna have already resulted in some attitudinal and institutional changes, which it is hoped will soon result in improved conditions for Meshketians in the Krasnodar Krai in southern Russia and in Georgia. The Council of Europe has included the rehabilitation and repatriation of Meshketians as one of the conditions for Georgia's membership in the Council. As a result of the combined efforts of these international organizations and the Governments concerned, the CIS Conference has made a lasting contribution to the resolution of the long-standing problem of formerly deported peoples.

13. UNHCR and the Council of Europe also actively promoted recognition of the role of non-governmental organizations in civil society, the establishment of a legal framework at the national level defining their status and the creation of an environment that will enable non-governmental organizations to play a more active role in CIS Conference implementation and follow-up. Thanks to the CIS Conference process, local and international non-governmental organizations have forged strong links and have made substantial contributions through their active participation in meetings of the CIS Conference Steering Group. In this framework, thematic working groups have been established focusing on key issues, such as refugee law and protection, conflict resolution, institutional frameworks and non-governmental organization legislation, humanitarian assistance, integration/resettlement/return and, most recently, formerly deported peoples. Non-governmental organizations are increasingly taking part in monitoring and complementing government action through advocacy of respect for human rights norms and the values of tolerance and by advocating minority rights, providing humanitarian assistance and advocating the protection of all displaced persons. The Council of Europe has assumed a lead role in encouraging the passage of non-governmental organization-related legislation in CIS, which is consistent with international and regional standards. In close cooperation with the Council of Europe and the Office for Democratic Institutions and Human Rights, UNHCR assisted Governments in the region to become familiar with international and regional standards as part of efforts to encourage passage of non-governmental organization legislation. A noteworthy contribution in this area is the dissemination by the Council of Europe of guidelines on national legislation for non-governmental organizations.

14. While the region has not yet seen the proactive involvement of international financial institutions in support of the Plan of Action, the World Bank and UNDP have been active partners in some areas. For example, UNDP, the World Bank and UNHCR have jointly assisted in institutional arrangements for a $120 million programme for resettlement and reconstruction in Azerbaijan, entailing support for the voluntary resettlement of internally displaced persons, housing reconstruction, infrastructure reconstruction, employment creation and rehabilitation of health care facilities and schools, as well as institutional support for agencies managing the rehabilitation of internally displaced persons, demining efforts and reconstruction. The Azerbaijan Reconstruction and Rehabilitation Agency is responsible for implementing reconstruction. An International Advisory Group, co-chaired by UNDP, the World Bank and the European Commission, is assisting the Government of Azerbaijan with donor coordination and policy formulation. UNDP is taking the lead in establishing a humanitarian mine action programme.

15. In Georgia, in the context of the evolving situation in Abkhazia and Tskhinvali (South Ossetia), UNDP is contributing to the transition from humanitarian to more development-related assistance as part of a broader United Nations system approach. UNDP is implementing a large-scale two-year programme of conflict resolution and rehabilitation in South Ossetia. The programme focuses on rehabilitation of hospitals, roads and bridges, as well as the energy sector and telecommunications links. Thanks to the programme, UNDP is making a contribution to facilitating cooperation between the Government of Georgia and South Ossetian authorities and is laying the foundation for the revival of economic activity in the area. In Tajikistan, the UNDP reconstruction, rehabilitation and development programme has fostered dozens of community development efforts that have eased the return of displaced persons to their homes. It is also providing a framework for the reintegration of former combatants into society. The UNDP programme for formerly deported peoples in Ukraine has already been mentioned.

16. While the Office for the Coordination of Humanitarian Affairs has not been directly involved in the preparation and follow-up to the CIS Conference, it supports the initiatives undertaken by the incumbent resident coordinators to implement the CIS Programme of Action, especially with a view to avoiding duplication and enhancing coordination of assistance to refugees, internally displaced persons and returnees. Within CIS, the Office for the Coordination of Humanitarian Affairs maintains field offices in Armenia, Azerbaijan, Georgia, the Russian Federation and Tajikistan. Its activities in those countries include humanitarian coordination, information-gathering and analysis, conduct

of vulnerability assessments, advocacy of humanitarian principles and resource mobilization.

17. In the Russian Federation, the Office for the Coordination of Humanitarian Affairs fielded a humanitarian affairs officer to Moscow in late 1998 to support the resident coordinator in assessing and responding to the humanitarian dimensions of the financial crisis. The Office coordinated the fielding of several missions by the United Nations country teams to areas identified as particularly vulnerable by the Government of the Russian Federation. On 1 July 1999 a donor information meeting was chaired by the resident coordinator in Moscow to introduce the United Nations inter-agency response programme to the donor community and to provide detailed information on specific programmes to assist internally displaced persons in the northern Caucasus region and refugees from Kazakhstan in Altai Krai.

18. In Georgia, the Office for the Coordination of Humanitarian Affairs supported the UNDP/World Bank/UNHCR effort to open a dialogue with the Government on new approaches to assistance for internally displaced persons, involving the provision of medium- and longer-term assistance to the internally displaced from Abkhazia, Georgia. In Armenia and Azerbaijan, the Office advocates on behalf of vulnerable groups by raising awareness among the Governments, donors, agencies and non-governmental organizations on the need to focus on the special problems faced by refugees, internally displaced persons and returnees. The Office supports the resident coordinators by facilitating the coordination of humanitarian activities and by building links between relief and development activities. It also fosters national capacity to cope with longer-term needs. In Tajikistan, it supports the resident coordinator in addressing the humanitarian crisis through a strategy designed to meet the basic needs of at-risk populations during the post-conflict period.

III. Review of progress made and future plans

19. On 24 and 25 June 1999, the Steering Group established to monitor follow-up to the Conference met to review progress after the third year of implementation of the Programme of Action. A total of 43 States, 20 intergovernmental organizations and other entities and 87 non-governmental organizations participated. The review was based on a report compiled by UNHCR and IOM, in cooperation with the OSCE Office for Democratic Institutions and Human Rights, which described progress made in implementing the provisions of the Programme of Action — much of which is highlighted in section II above.

20. Participants in the Steering Group recognized that significant progress had been achieved in implementing the provisions of the Programme of Action and that objectives at the national level were better defined as a result. They also reconfirmed their commitment to the CIS Conference process.

21. There was a consensus, however, that while the results so far have been impressive, they remain somewhat fragile and require additional effort and vigilance, greater political attention at the highest levels in CIS countries and continued strong international engagement and support. In summarizing the discussions, the Chairman described a number of areas where further action, attention and support would be needed. First, migration management and control is still weak in many respects, with clear ramifications beyond the borders of the CIS countries. An effort must therefore be made to span the gap between legislation and the capacity to implement such legislation effectively. Second, international support and cooperation will continue to be needed to enhance protection for asylum-seekers and refugees within national and regional migration-management systems. It was recognized that the *propiska* and similar residence registration systems were having a negative impact on the displaced and needed to be addressed at the national level with international support. Third, the participants encouraged States in the region to implement fully international norms relating to the treatment of asylum-seekers and refugees, displaced persons and other categories of concern, in conformity with international and regional standards, as set out in the 1951 Convention and its 1967 Protocol, as well as more recent recommendations formulated by the Council of Europe.

22. Fourth, a number of participants reiterated the importance of strengthening respect for human rights, the rule of law and democratic institutions in pursuit of a central objective of the Conference: the prevention of conflict and forced migration. Fifth, the positive contribution of the partnerships established between international organizations, CIS and other Governments and non-governmental organizations at all levels was recognized, and there was an appeal to strengthen this cooperation further. Sixth, there was a call for the more active involvement of the financial and development institutions in the provision of development and reconstruction assistance.

23. Seventh, many participating Governments urged expanded cooperation with the European institutions and welcomed the growing involvement of OSCE. Eighth, the

participants encouraged the High Commissioner on National Minorities to continue to contribute to the elucidation of issues and the formulation of remedial action relating to minority rights and the formerly deported peoples and welcomed the establishment of a sixth non-governmental organization working group dealing specifically with this issue. Ninth, the participants reaffirmed their recognition of the important link between human security and displacement and welcomed the expanding field activities of OSCE related to refugees and human rights. OSCE was encouraged to sharpen its focus on migration and displacement problems through special meetings and seminars.

24. Tenth, it was recognized that the non-governmental organization sector was clearly in a position to play an even more prominent role in national implementation of the Programme of Action. Governments were encouraged to work more closely with them, with a view to increasing the scope and sustainability of their work in support of implementation of the Programme of Action.

25. Finally, it was urged that the competent authorities of the CIS countries address the grave security problems facing humanitarian workers in the interest of creating a secure working environment.

26. A broad consensus emerged that the consultative and networking process launched by the CIS Conference and its follow-up needed to continue in some form beyond 2000. Several Governments encouraged the strengthening of subregional approaches focusing on particular themes and concerns of common interest as a means of rendering implementation of the Programme of Action even more effective. To pursue discussions on the establishment of a post-2000 follow-up formula, a working group to address the issue of follow-up to the 1996 CIS Conference was established and will be convened by UNHCR, IOM and OSCE. The working group will summarize the accomplishments of the Programme of Action, review those priority goals that cannot be achieved before 2000 and identify the principal strategic objectives and modalities for work after 2000. On the basis of this assessment, it will formulate proposals for presentation to the Steering Group in 2000.

27. In the coming year, efforts will continue to be made to consolidate and build on the achievements of the CIS Conference process, while exploring ways to sustain the momentum of the Conference into the next century.